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if one juror escape, *State v. Hall*, 4 Halst. 256; likewise if juryman was incompetent or not sufficiently sworn, or if the case was tried by a less than legal jury, *Brown v. The State*, 5 Eng. 607; nor if jury are discharged upon failure to agree, but *contra* if the discharge before disagreement is without defendant's consent, *United States v. Perez*, 9 Wheat. 579; nor proceedings before a grand jury, *State v. Whipple*, 57 Vt. 637; nor increased penalties for subsequent offences, *Kelley v. People*, 115 Ill. 583; nor a plea of guilty extorted by duress and judgment entered upon it, *Sanders v. State*, 4 *Crim. Law Mag.* 359; nor pendency of other indictments for the same charge, *Bailey v. State*, 11 Tex. App. 140.

DIVORCE—ACTION—STATE COURT—JURISDICTION—DOMICILE.—*STATE EX REL ALDRACH v. MORSE*, 87 PAC. 705 (UTAH).—*Held*, that where a husband and wife were married and resided in Utah, where the husband abandoned the wife, the matrimonial domicile was in that state, which was all that was essential to confer jurisdiction to decree a divorce, though the husband could not be personally served there.

This case is interesting as following the much discussed case of *Haddock v. Haddock*, 201 U. S. 562. The domicile of the husband for all practical purposes is the domicile of the wife. *Greene v. Greene*, 28 Mass. 410. But for the purpose of bringing a suit, when the husband's conduct is cause for the same, she may acquire a domicile distinct from his. *Ditson v. Ditson*, 4 R. I. 87. The desertion of the husband for a time sufficient to give the wife a cause for divorce, entitles her to sue in the former domicile of the husband. *Shaw v. Shaw*, 98 Mass. 158. So where the actual residence of the wife is in one state, but her domicile in another, an act of the husband, cause for divorce, will make the former her domicile, *Bowman v. Bowman*, 24 Ill. App. 165. By acquiring a foreign residence the wife does not lose the right to sue in the state of the husband's domicile, *Sewall v. Sewall*, 122 Mass. 156. There may be a separate domicile when the husband and wife are living apart under judicial separation, or when the husband has been guilty of misconduct. *Hunt v. Hunt*, 72 N. Y. 217; which overcomes the presumption that the domicile of the husband is that of the wife, *Harteau v. Harteau*, 14 Pick. 181; and the wife may maintain a suit in the state where they were last domiciled, *Burtis v. Burtis*, 161 Mass. 508.

EMBEZZLEMENT—INDICTMENT—CHARACTER IN WHICH PROPERTY WAS RECEIVED—ALLEGATION—SUFFICIENCY.—*STORMS v. STATE*, 98 S. W. 678 (ARK.).—*Held*, on a trial for embezzlement, evidence of similar transactions by accused, before and after transaction relied on, is admissible on the question of his intent.

In a prosecution of a clerk, in a Circuit Court for converting to his own use solicitor's fees in certain cases, proof of other acts of embezzlement of similar character is admissible to show guilty knowledge. *Stanley v. State*, 88 Ala. 154. In a prosecution for embezzlement previous acts of embezzlement similar to the one charged may be shown as evidence of guilty knowledge. *Same v. Neyce*, 88 Cal. 393. On a trial for embezzlement testimony as to transactions in the year following, and similar in character to those charged, are competent evidence to show guilty knowledge on the part of the defendant. *People v. DeGraff*, 6 N. Y. 412.

EVIDENCE—OPINIONS OF NON-EXPERTS.—*DAVIS v. SHORT LINE RY. CO.*, 88 PAC. 2 (UTAH).—*Held*, that a man's wife, who had lived with him for many years, and was in attendance on him during his illness, and was in a